

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-2900-2018
Date of decision: 23.01.2018**

Monika Garg

...Petitioner

Versus

Assem Garg

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Mohinder Kumar, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking direction to the trial Court for concluding the trial expeditiously in application filed under Section 125 Cr.P.C. bearing Registration No. 111 of 2015 dated 10.09.2015 (Annexure P-1) titled as “**Monika Garg vs. Aseem Garg**”, pending in the Court of Sh. Amrinder Pal Singh, Chief Judicial Magistrate, Mansa.

Limited prayer in this petition is for an expeditious hearing and decision on the aforesaid application that has been filed by the petitioner herein for grant of interim maintenance.

Notice on the application for interim maintenance was issued to the respondent for 14.10.2015 and the respondent appeared through his counsel. The case was thereafter adjourned to 10.11.2015 for filing reply to the application. A perusal of the zimini order would reveal that reply to the application for grant of interim maintenance as well as the main case

had been filed in Court on 09.12.2015. In the meantime, the parties had sought adjournments on account of the fact that there were chances of an amicable settlement which did not fructify. There was a change of counsel for the respondent during the proceedings and various applications moved. An application had also been moved by the applicant (petitioner herein) for production of information and documents to which reply was filed and the matter was eventually disposed of by an order dated 26.08.2016 with a direction that arguments are to be addressed on the application for grant of interim maintenance. On further perusal of the zimini orders, it is revealed that around 29 adjournments have been taken by the parties thereafter for addressing arguments.

I have heard learned counsel for the petitioner and have also perused the paper-book as well as zimini orders annexed with the petition.

Section 125 Cr.P.C. has been incorporated to ensure that the neglected or deserted wife/parents/minor children are not left destitute. An application for grant of interim maintenance ought to be decided at the very first instance so that the applicant is in a position to sustain herself. In the judgment rendered by the Apex Court in ***Imtiyaz Ahmad vs. State of Uttar Pradesh and Ors., (2012) 2 SCC 688***, it has been observed that a long delay in disposing of a matter has an adverse impact upon access to justice which is a fundamental right. In the instant case, it appears that the application has been pending for an inordinate length of time.

Therefore, in view of the fact that the petitioner herein is

seeking maintenance, it is expedient to dispose of this petition with a direction to the trial to dispose of the application filed under Section 125 Cr.P.C. within a period of one month from the date of receipt of certified copy of this order. Ordered accordingly.

Petition stands disposed of.

23.01.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No